



SO ORDERED.

SIGNED this 16 day of September, 2015.

Stephani W. Humrickhouse
Stephani W. Humrickhouse
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION

IN RE: **RONALD POPE**
 DEBTOR.

CASE NO. 12-07123-8-SWH
 CHAPTER 13

AMENDED CONSENT ORDER

THIS MATTER before the Court is the Trustee's Motion to Dismiss,

AND IT APPEARING to the Court from the signatures of both of the Trustee and counsel for the Debtor hereto subscribed, that the Trustee and Debtor have reached an agreement, the specifics of which are set out hereinafter, concerning the Motion to Dismiss made by the Trustee,

Based on the stipulations and agreement of the parties, the Court makes and enters the following:

FINDINGS OF FACT

1. The Debtor filed a Voluntary Petition in accordance with Chapter 13 of Title 11, United States Code ("Bankruptcy Code") on October 4, 2012.
2. The Debtor was required to make the first Chapter 13 Plan payment on November 1, 2012, and every payment thereafter on the first day of each calendar month.
3. The Trustee filed a Motion to Dismiss on July 1, 2014 for failure to make required payments.
4. The Debtor is not current on payments for the Chapter 13 Plan and consents to bring the plan current by paying the regular plan payment of \$640.00 beginning April 1, 2015, and a cure payment of \$427.00 for 6 months beginning April 1, 2015.

5. The Debtor and Trustee agree that if the regular plan payment and any cure payments are not received within twenty (20) days of each payments' respective due date, said date being the first day of each month, during the twelve (12) month period beginning April 1, 2015, and continuing through to the payment due March 1, 2016, then this case shall be automatically dismissed upon the Trustee's notification to the Court, without further notice or hearing.

6. The Debtor and Trustee agree that the Debtor's confirmed Chapter 13 Plan needs to be modified to pay the increased priority and secured claim of the Internal Revenue Service. The Debtor cannot modify the Chapter 13 Plan until the amount of the secured claim of the Internal Revenue Service is determined. Debtor's counsel and the Trustee have made requests to the mortgage lienholder to confirm the amount due for the mortgage lien against the Debtor's residence. The Debtor and Trustee agree that the Debtor shall modify the Chapter 13 Plan by November 15, 2015 or this matter shall be automatically dismissed without further notice and hearing.

7. The Debtor has been informed by counsel of the terms of this Consent Order and agrees to the terms detailed in this Consent Order.

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the parties hereto and the subject matter herein.

2. Pursuant to 11 U.S.C. § 1326 and E.D.N.C. LBR 4002-1(g)(2) the Debtor is required to make the plan payment on the first day of the month immediately following the filing date of the petition and plan and each month thereafter as directed by the Chapter 13 Trustee.

3. This matter may be dismissed for failure to make Chapter 13 Plan payments as scheduled.

4. Pursuant to 11 U.S.C. § 1329, the Debtor's Chapter 13 Plan may be modified to pay the priority and secured claims of creditor.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Chapter 13 Trustee's Motion to Dismiss is denied.

2. The Debtor shall bring the Chapter 13 Plan by paying the regular plan payment of \$640.00 beginning April 1, 2015, and a cure payment of \$427.00 in addition to the regular plan payment for 6 months beginning April 1, 2015.

3. If the regular plan payment and any cure payments are not received within twenty (20) days of each payments' respective due date, said date being the first day of each month, during the twelve (12) month period beginning April 1, 2015, and continuing through to the payment due March 1, 2016, then this case shall be automatically dismissed upon the Trustee's notification to the Court, without further notice or hearing.

4. The Debtor will modify the Chapter 13 Plan on or before November 15, 2015, or this case shall be automatically dismissed upon the Trustee's notification to the Court, without further notice or hearing.

5. The Debtor has been informed by counsel of the terms of this Consent Order and agrees to the terms detailed in this Consent Order.

CONSENTED TO:

/s/ Sarah Beth Withers
Sarah Beth Withers, Staff Attorney for
Richard M. Stearns, Chapter 13 Trustee

/s/ Patrick D. Riley
Patrick D. Riley
Attorney for Debtors

*****END OF DOCUMENT*****